

Chapter 16.04A

FIRE CODE

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16.04A.460	Section 78.103(a) amended.
16.04A.470	Section 78.107(b) amended.

16.04A.480	Section 79.115(f) amended.
16.04A.490	Section 79.411 added.
16.04A.500	Section 79.903(g) amended.
16.04A.510	Section 79.903(j) amended.
16.04A.520	Section 79.908 amended.
16.04A.530	Section 79.1202 adopted.
16.04A.540	Section 79.1410 amended.
16.04A.550	Section 80.103 added.
16.04A.560	Appendix I-A, incorporated.
16.04A.570	Appendix I-B, incorporated.
16.04A.580	Appendix II-A, incorporated.
16.04A.590	Appendix II-E, incorporated.
16.04A.600	Appendix IV-A, incorporated.
16.04A.610	Appendix VI-A, incorporated.
16.04A.611	NFPA 1141, Standard for fire protection in planned groups, incorporated.
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16.04A.620	Criminal prosecution.
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16.04A.010 The State Fire Code incorporated.

The State Fire Code as adopted by the State of Hawaii on March 27, 1992 pursuant to chapter 132, Hawaii Revised Statutes, which code adopts, with modifications, the Uniform Fire Code, 1988 Edition, herein referred to as the "Uniform Fire Code," as copyrighted and published in 1988 by the International Conference of Building Officials and the Western Fire Chief's Association, 5360 South Workman Mill Road, Whittier, California, and the 1989 and 1990 Uniform Fire Code Supplements, is incorporated by reference and made a part hereof, subject to the amendments set forth in this chapter. (Ord. 2509§3 (part), 1996)

16.04A.020 Title.

Section 1.101 of the Uniform Fire Code, as amended by the State Fire Code, is amended to read as follows:

Sec. 1.101.

This chapter shall be known as the "Fire Code of the County of Maui", may be cited as such, and shall be referred to in this chapter as this "code." (Ord. 2509§3 (part), 1996)

16.04A.030 Definitions generally.

When used in this code, unless it is plainly evident from the context that a different meaning is intended, certain terms are defined as set forth in article 9 of the Uniform Fire Code. (Ord. 2509§3 (part), 1996)

16.04A.040 Section 2.202 amended.

Section 2.202 of the Uniform Fire Code, as redesignated, is amended to read as follows:

Investigations

Sec. 2.202. The fire department shall investigate promptly the origin, cause, and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury to person or destruction or damage to property and, if it appears to the fire prevention bureau that such fire is of suspicious origin, they shall then take immediate charge of all physical evidence relating to the cause of the fire and shall pursue the investigation to its conclusion.

The police department shall assist the fire department in its investigations whenever requested to do so, unless otherwise directed by the chief of police.

(Ord. 2509 § 3 (part), 1996)

16.04A.050 Section 2.303 amended.

Section 2.303 of the Uniform Fire Code, as amended by the State Fire Code, is amended to read as follows:

Sec. 2.303. Board of appeals.

For purposes of applicable state law, the board of code appeals is designated the board of appeals.

(Ord. 2509 § 3 (part), 1996)

16.04A.060 Section 2.304(a) amended.

Section 2.304 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection (a) to read as follows:

(a) Wherever the Uniform Fire Code Standards or National Fire Protection Standards are referred to in this code, compliance with the National Fire Code of the National Fire Protection Association, as amended, will be equivalent to meeting this code.

(Ord. 2509 § 3 (part), 1996)

16.04A.070 Section 2.305 added.

Article 2 of the Uniform Fire Code is amended by adding a new section, to be designated and to read as follows:

Variances

Sec. 2.305. (a) A variance may be granted if the board of variances and appeals finds:

1. That the strict application, operation or enforcement of the code provision or provisions appealed from

would result in practical difficulty or unnecessary hardship to the applicant;

2. That the granting of the variance shall not be detrimental to the public health, safety or welfare;

3. That the granting of the variance would not be injurious to the adjoining lots and the buildings thereon; and

4. That the granting of the variance would not be contrary to the purposes of this code and the public interest.

(b) The proceedings of the board of variances and appeals shall be conducted in accordance with the rules of practice and procedure adopted by the board.

(Ord. 2509 § 3 (part), 1996)

16.04A.080 Section 3.105 added.

Article 3 of the Uniform Fire Code is amended by adding a new section, to be designated and to read as follows:

Reinspection of Violation

Sec. 3.105. If an inspection by a designated officer or employee of the fire department discloses a violation of this code, the department shall determine a period of time that is reasonable to remedy the violation and reinspect the property to verify such remedy. The department shall collect a fee in the amount of \$30 for each reinspection after the initial reinspection that is necessary to certify correction of the violation and secure compliance with applicable code requirements. The fee shall increase one and one-half times for inspections conducted after business hours and to two and one-half times for inspections conducted on any paid holiday during the calendar year. Citations may be issued and fines may be assessed if compliance is not secured on the second reinspection.

(Ord. 2509 § 3 (part), 1996)

16.04A.090 Article 4 title amended.

The title of article 4 of the Uniform Fire Code is amended to read as follows:

ARTICLE 4**PERMITS AND FEES**

(Ord. 2509 § 3 (part), 1996)

16.04A.100 Section 4.108 amended.

Section 4.108 of the Uniform Fire Code, as amended by the State Fire Code, is amended to read as follows:

Sec. 4.108. (a) It shall be unlawful for any person, firm, or corporation to use a building or premises or engage in any activities for which a permit is required by this code without first having obtained such permit.

(b) Permits are required under the following sections:

1. Sec. 11.117 (Control of Open Burning);

2. Sec. 25.101 (Places of Assembly);

3. Sec. 32.103 (Tents, Canopies and Temporary Structures) See Articles 12 and 32.

(A) To erect or operate a tent or canopy covering an area in excess of 700 square feet unless such structures are used exclusively for camping or private functions not subject to the general public;

(B) To erect or operate temporary structures such as booths or similar combustible structures erected or operated for sale of fireworks or christmas trees;

(C) A permit is required for each and every tent, canopy and temporary structure;

4. Sec. 45.102 (Application of Flammable Finishes);

5. Sec. 74.103 (Compressed Gases);

6. Sec. 77.104 (Explosives and Blasting Agents);

7. Sec. 78.102 (Fireworks);

8. Sec. 79.103 (Flammable and Combustible Liquids and Tanks);

(A) To install, alter or operate equipment in connection with the storage, handling, use or sale of flammable or combustible liquids regulated under Article 79;

(B) To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. See Article 79;

9. Sec. 80.103 (Hazardous Materials);

10. Sec. 82.102(a) (Liquified Petroleum Gases).

(c) Permit fees shall be as follows:

1. Control of Open Burning \$25 each

2. Places of Assembly (50 or more occupant load in permanent structures) \$25 annually

3. Tents, Canopies, Temporary Membrane Structures, and Temporary Structures:

A. Tent or canopy in excess of 700 square feet unless used for camping or private functions not subject to the general public \$25 each

B. To erect or operate temporary structures such as booths or similar combustible structures erected or operated for the sale of fireworks or Christmas trees \$25 each

4. Application of Flammable Finishes (spray or dip operations at each premises) . . . \$25 annually

5. Compressed Gases (for more than 2,000 cubic feet of flammable compressed gas or 6,000 cubic feet of non-flammable compressed gas at each premises) \$25 annually

6. Explosives and Blasting Agents (for each site and explosive or blasting agent at each site) \$100 annually

7. Fireworks:

A. Religious; Farmers \$25 each

B. Aerial public displays \$100 each

9. Flammable and Combustible Liquids and Tanks:

A. Tanks of more than 60 gallons to 4,999 gallons \$100 each

B. Tanks of 5,000 gallons or more . \$200 each

9. Hazardous Materials (for each site and for each chemical class at quantities specified in Section 4.108.h.1 at each site) \$100 annually

10. Liquified Petroleum Gases:

A. Tanks with an aggregate capacity of 125 to 499 gallons \$25 each

B. Tanks 500 gallons or larger \$40 each

C. Tanks with dispensers \$100 each

(d) Permits for tents, canopies, and temporary membrane structures shall be non-renewable and limited

to the period of activity or not more than 30 consecutive days and may be canceled for cause by the Fire Department or building official at any time before expiration of the time stated in the permit. Upon such cancellation or upon expiration of the time stated therein, the structure or structures shall be promptly removed.

(Ord. 2509 § 3 (part), 1996)

16.04A.110 Section 4.109 added.

Article 4 of the Uniform Fire Code is amended by adding a new section, to be designated and to read as follows:

Inspections

Sec. 4.109. (a) An inspection shall be required for a permit to abate a fire hazard under section 11.117. The fee for this inspection shall be \$25. If any reinspections are required an additional fee of \$25 shall be assessed for each reinspection.

(b) All inspections shall take place from 0800 to 1630 hours, Monday through Friday, excluding holidays.

(c) An inspection conducted outside normal business hours for the convenience of the requestee or permittee; for aerial fireworks displays; for large functions such as carnivals, fairs, and any event drawing large crowds; and for inspections for which no fee is specifically indicated shall be assessed to the requestee or permittee at a rate of \$60 per inspection.

(d) A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees may be assessed when approved plans are not readily available to the inspector, when there has been a failure to provide access on the date of inspection, or when there has been a deviation from plans which require the approval of a building official or the fire chief. The reinspection fee shall be \$25.

To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee.

A reinspection fee shall not be assessed the first time a job is rejected for failure to comply with the requirements of this code, but shall be assessed whenever an inspection is called for before the job is ready for such inspection or reinspection.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.
(Ord. 2509 § 3 (part), 1996)

16.04A.120 Section 4.110 added.

Article 4 of the Uniform Fire Code is amended by adding a new section, to be designated and to read as follows:

Plan Review Fees and Fund

Sec. 4.110. (a) When a plan or other specifications are required to be submitted to the fire chief under section 132-9, Hawaii Revised Statutes, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee shall be 12.5 percent of the building permit fee as shown in Table No. 3-A of the Building Code.

Where plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged at the rate of \$30 per hour.

The fire chief may authorize an expedited plan review process provided the applicant pays an additional plan review fee for this purpose.

(b) There is hereby established and created a fund to be known as the "Plan Review, Permit Processing, and Inspection Revolving Fund." The fees collected pursuant to subsection (a) are hereby deemed appropriated upon receipt and may be expended for materials, supplies, and equipment that will facilitate plan review and for payment of over-time and travel expenses for plan checking, permit processing, and inspections.

(Ord. 2509 § 3 (part), 1996)

16.04A.130 Section 4.111 added.

Article 4 of the Uniform Fire Code is amended by adding a new section, to be designated and to read as follows:

Fee Refunds

Sec. 4.111. (a) The fire chief may authorize the refunding of any inspection, plan review, or permit fee paid, which was erroneously paid or collected.

(b) The fire chief may authorize the refunding of not more than 50 percent of the plan review fee paid when an applicant withdraws or cancels the application before any plan reviewing is done.

(Ord. 2509 § 3 (part), 1996)

16.04A.140 Section 9.103 amended.

Section 9.103 of the Uniform Fire Code is amended by adding a new definition to be appropriately inserted and to read as follows:

AMBIENT NOISE LEVEL is the prevailing sound level found in a room or area under the normal use and conditions of that room or area.
(Ord. 2509 § 3 (part), 1996)

16.04A.150 Section 9.104 amended.

Section 9.104 of the Uniform Fire Code is amended by amending the definition of "Building Code" to read as follows:

BUILDING CODE is the building code as set forth in chapter 16.26A.
(Ord. 2509 § 3 (part), 1996)

16.04A.160 Section 9.107 amended.

Section 9.107 of the Uniform Fire Code is amended by amending the definition of "Electrical Code" to read as follows:

ELECTRICAL CODE is the electrical code as set forth in chapter 16.18A.
(Ord. 2509 § 3 (part), 1996)

16.04A.170 Section 9.118 amended.

Section 9.118 of the Uniform Fire Code is amended by amending the definition of "Plumbing Code" to read as follows:

PLUMBING CODE is the plumbing code as set forth in chapter 16.20A.
(Ord. 2509 § 3 (part), 1996)

16.04A.180 Article 10 amended.

Article 10 of the Uniform Fire Code is amended by adding a new division IX to read as follows:

**Division IX
LIFE SAFETY REQUIREMENTS
FOR EXISTING HOTEL-USE BUILDINGS**

General

Sec. 10.901. (a) Purposes. The purposes of this division are:

1. To establish minimum requirements that will provide a reasonable degree of safety from fire in existing hotel-use buildings and to minimize danger to

life from fire, smoke, fumes, or panic in said existing hotel-use buildings by installing early warning systems, installing automatic fire extinguishing systems, and providing clear and efficient means of occupant's escape as specified in this ordinance;

2. To give owners of existing hotel-use buildings some measure of control over the life safety and protection of building occupants;

3. To reduce the threat of large building fires in the county; and

4. To avoid requirements that might involve unreasonable hardships or unnecessary inconvenience or interference with the normal use and occupancy of a building while recognizing the need for compliance with a minimum standard for fire safety recognized throughout the United States.

(b) **Scope.** The scope of this division is to protect lives and property from fire and similar emergencies in existing hotel-use buildings. A determination that an existing hotel-use building is subject to this article shall be made by the fire chief. The determination may be appealed to the board of variances and appeals.

Definitions

Sec. 10.902. For purposes of this division, certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it is apparent from the context another meaning is intended.

ANNUNCIATOR shall mean a unit containing two or more identified targets or indicator lamps in which each target or lamp indicates the condition of the circuit and the location to be annunciated.

GOOD CAUSE includes:

1. Delays used by the inability of the department of fire control to coordinate required compliance due to a shortage of personnel or other resources;
2. Delays caused by labor strikes affecting compliance with this division; or
3. Delays due to natural catastrophes.

GUEST shall mean any person hiring or occupying a room for living or sleeping purposes.

GUEST ROOM shall mean any dwelling or lodging unit intended or designed to be rented, hired out, or occupied for sleeping purposes by guests.

HEIGHT OF BUILDING is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade; or

2. An elevation 10 feet higher than the lowest grade when the sidewalk or around surface within a 5 foot horizontal distance of the exterior wall of the building is more than 10 feet above lowest grade.

HOTEL-USE BUILDING shall mean any building erected before the effective date of this division and which has floors used for human occupancy and which contains dwelling or lodging units, 50 percent or more of which are guest rooms. A hotel license issued pursuant to Section 445-92, Hawaii Revised Statutes, shall be prima facie evidence that the licensed building is a hotel. For purposes of this article, apartments and condominium projects may be deemed hotels.

Requirements

Sec. 10.903. Within all hotel-use buildings over 75 feet in height, the following shall apply:

(a) **Automatic Sprinkler System.** An automatic sprinkler system shall be provided throughout the entire building. The installation of the system shall be in conformance with the Building Code, as amended, and the National Fire Protection Association's standard number 13 (NFPA 13), as amended. Water supplies for these systems shall be obtained from the department of water supply, or a privately developed water source. Fire flow calculations shall be supplied by a qualified professional engineer, licensed in the State of Hawaii, to the department of water supply for off-site water requirements from county water systems, and to the department of fire control for on-site water requirements.

The automatic sprinkler system need not be installed to protect exterior exit balconies constructed entirely of reinforced masonry or reinforced concrete.

(b) **Smoke Detectors.** Smoke detectors shall be provided in every guest room, interior exit corridor, mechanical equipment room, electrical room, transformer room, telephone equipment room, elevator machine, or similar room. The installation of the smoke detectors shall be in conformance with the Building Code. Any smoke detector installed shall be connected to an annunciator and shall be monitored 24 hours a day by the building's staff or by a private alarm company. Smoke detectors in guest rooms need not be connected to an annunciator or monitored.

(c) **Corridor Doors.** All doors opening into interior exit corridors shall be in conformance with the Building Code, except that 1 3/4-inch bonded, solid-core wood doors need not be replaced.

(d) **Exit Doors.** All exit doors, including stairwell and roof access doors, which are locked to prevent entry, shall be designed to automatically unlock when the fire alarm system activates or upon power failure.

(e) **Fire Alarm Systems.** All fire alarm systems required by the fire code shall be designed to be heard clearly within all areas of the building and shall be connected to the annunciator. The annunciator shall be located in the first floor lobby area or other area approved by the fire chief and shall be monitored 24 hours a day by building staff or a private alarm company.

(f) **Emergency Power.** Emergency power shall be provided for at least one elevator in each bank of elevators with fireman's service transferable to the other elevators. Emergency power shall also be provided for exit signs, exit illumination, and fire alarm systems. The emergency power system shall conform to all applicable county codes and shall be approved by the fire chief.

(g) **Emergency Plan.** The management for each building shall establish and maintain a written fire and life safety emergency plan, which shall be approved by the fire chief. The fire chief shall adopt written criteria and guidelines upon which all plans shall be based.

(h) **Exiting Plans.** Exiting plans, provided by building management and approved by the fire chief, shall

be posted in a conspicuous place on the interior side of each guest room entry door.

(i) **Placards.** Placards with exit instructions provided by building management and approved by the fire chief, shall be posted in clearly visible locations near elevators, stairwells, and other exit locations required by the fire chief.

(j) **Fire Drills.** Building management shall conduct fire drills for staff and employees once every 180 days. A written record of each drill shall be maintained in the building management's office and made available upon request to the department of fire control.

(k) **Certification.** All sprinkler, fire alarm, smoke detector, and emergency power system plans required herein shall be stamped by an appropriate professional engineer or architect licensed in the State of Hawaii, as required by the department of public works and waste management. The fire chief may require a notarized certification from any engineer or architect whose stamp appears on plans submitted before final acceptance inspection.

Other Laws

Sec. 10.904. None of the provisions herein shall exempt hotel-use buildings from other applicable federal, state, or county law.

Compliance

Sec. 10.905. (a) **Authority.** The fire chief may require compliance with division IX.

(b) **Examination and Furnishing of List of Requirements to Owner or Operator.** The fire chief or an authorized representative shall examine each building subject to division IX. Upon completing the examination, the fire chief shall furnish to the owner or operator of the building a written list of requirements to achieve compliance with this division.

(c) **Compliance Schedule.** 1. **Sixty days.** Each building shall be in compliance with subsections (g) through (j) of Section 10.903 within sixty days after the receipt of the written list of requirements.

2. **One year.** The owner or an authorized representative of each building shall submit plans to the department of public works and waste management showing intended methods of compliance with subsections (a) through (f) of Section 10.903 within one year after receipt of the written list.

3. **Three years.** Each building shall be in compliance with subsections (a) through (f) of Section 10.903 within three years after receipt of the written list.

(d) **Extension of Time.** Extensions of time may be allowed by the fire chief for good cause shown for a period not to exceed one year and shall be in writing as specified in the fire chief's rules.

Appeals

Sec. 10.906. Any appeal from the decision of the fire chief involving the denial of any extension of time may be submitted to the board of variances and appeals. The board may grant an extension of time if it finds that the time period appealed from poses an undue hardship, provided the total time of compliance shall not exceed five years from the receipt of the written list of requirements.

Severability

Sec. 10.907. If any section, subsection, paragraph, sentence, clause, or phrase of this division is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this division.

Rules

Sec. 10.908. The fire chief, in accordance with Chapter 91, Hawaii Revised Statutes, shall adopt rules for the implementation, administration, and enforcement of this division.

Building Code Compliance

Sec. 10.909. If any provision of this division conflicts with the requirements of the Building Code, the more stringent requirements shall apply.
(Ord. 2592 § 1, 1997; Ord. 2509 § 3 (part), 1996)

16.04A.190 Section 10.301 amended.

Section 10.301 of the Uniform Fire Code is amended to read as follows:

Tampering with Fire Equipment

Sec 10.301. No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment or appurtenance belonging to or under the supervision and control of the fire department without authority from the chief or his authorized representative to do so.

It shall be unlawful for any person willfully or maliciously to tamper with, molest, injure, or break any public fire alarm apparatus, wire, or signal, or willfully or maliciously to send, give, transmit, sound or cause to be sent, given, transmitted, or sounded any false alarm of fire by telephone, fire alarm system or signal, or by any other means.

(Ord. 2509 § 3 (part), 1996)

16.04A.200 Section 10.303 amended.

Section 10.303 of the Uniform Fire Code is amended to read as follows:

Obstruction of Fire Protection Equipment

Sec. 10.303. No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material or thing near any fire hydrant, fire department connection or fire-protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum 3-foot clear space shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the chief.

The police department may remove any vehicle left unattended upon any street within 10 feet of any fire hydrant to the nearest garage or other place of safety. The registered owner shall be liable for all reasonable expenses incurred in the removal and storage of such vehicle.

(Ord. 2509 § 3 (part), 1996)

16.04A.210 Section 10.304 amended.

Section 10.304 of the Uniform Fire Code is amended to read as follows:

Hydrant Use Approval

Sec. 10.304. No person shall use or operate any hydrant or other valves installed on any water system intended for use by the chief for fire suppression purposes and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures a permit for use from the department of water supply as to hydrants supplied with water by the department, or from the department of fire control in the case of private water systems. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the water company which supplies water

to such hydrants or other valves.
(Ord. 2509 § 3 (part), 1996)

16.04A.220 Section 10.502 amended.

Section 10.502 of the Uniform Fire Code is amended to read as follows:

Key Box

Sec. 10.502. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, a key box shall be installed in an accessible location when required by the fire chief. The key box shall be manufactured by the Knox Company or any manufacturer with products listed by Underwriters laboratory (U.L.) and shall be a type approved by the fire chief and shall contain keys to gain necessary access as required by the fire chief.

(Ord. 2509 § 3 (part), 1996)

16.04A.230 Section 10.705(e) amended.

Section 10.705 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection (e) to read as follows:

(e) The test required herein shall be conducted by a person, qualified and licensed by the fire chief of the city and county of Honolulu to conduct such test for the particular system or device being tested. Testing results shall be submitted to the department of fire control.

(Ord. 2509 § 3 (part), 1996)

16.04A.240 Section 10.705(h) amended.

Section 10.705 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection (h) to read as follows:

(h) No person shall maintain, repair, fill, or refill any portable fire extinguisher unless that person has obtained a license issued by the fire chief of the City and county of Honolulu, in accordance with section 10.705(f) and NFPA 10, authorizing that person to maintain, repair, fill, or refill portable fire extinguishers.

(Ord. 2509 § 3 (part), 1996)

16.04A.250 Section 10.708(a) amended.

Section 10.708 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection (a) to read as follows:

Sec. 10.708. (a) General. All fire-extinguishing systems required in this code or the Building Code shall be installed in accordance with the requirements of this article.

All fire hose threads used in connection with fire-extinguishing systems shall be National Standard hose thread or as approved by the fire department.

In buildings used for high-piled combustible storage, fire protection shall be in accordance with Article 81 of this code and NFPA 231C.

All buried galvanized steel and other ferrous piping used in connection with fire-extinguishing systems shall be wrapped or otherwise protected against corrosion in accordance with the Plumbing Code provisions for protection of galvanized ferrous piping for potable water. (Ord. 2509 § 3 (part), 1996)

16.04A.260 Section 10.708(b) amended.

Section 10.708 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection (b) to read as follows:

(b) **Approvals.** All fire-extinguishing systems required under the Building Code or this code, including automatic sprinkler systems, standpipe systems, halon systems and other special types of automatic extinguishing systems, and basement pipe inlets shall be inspected and approved by the fire department and shall be subject to periodic tests as may be required. A condition of approval of all halon systems shall be satisfactory passage of a test conducted in accordance with nationally recognized standards prior to final acceptance of the system. The location of all fire department hose connections shall be approved by the chief. The fire chief may require a notarized certification from any engineer or architect whose stamp appears on plans submitted before a certificate of occupancy is issued.

Fire department water supply hose connections shall be located within 20 feet on a street front not less than eighteen inches nor more than 4 feet abovegrade. Appropriate identification signs shall be provided as required by the fire department. Fire department water supply hose connections shall be located a minimum of 40 feet from the building or buildings they are supplying. (Ord. 2509 § 3 (part), 1996)

16.04A.270 Section 10.715 amended.

Section 10.715 of the Uniform Fire Code is amended to read as follows:

Ventilating Hood and Duct Systems

Sec. 10.715. A ventilating hood and duct system shall be provided in accordance with NFPA 96 for commercial-type food heat-processing equipment that produces grease-laden vapors. In addition to the reduction of clearances to combustibles specified in NFPA 96, clearances to combustibles may be reduced to 6 inches with the use of two layers of 5/8 inches type x gypsum board properly taped and finished. A minimum head clearance of 6 feet 8 inches, measured from bottom of canopy to actual finished floor, shall be provided. Fans for exhausting grease-laden vapors shall be located 10 feet from parapet walls, measured horizontally from edge of fan casing to parapet wall, or not less than 3 feet above topmost plane of parapet wall. (Ord. 2509 § 3 (part), 1996)

16.04A.280 Section 11.117 amended.

Section 11.117 of the Uniform Fire Code, as amended by the State Fire Code, is amended to read as follows:

CONTROL OF OPEN BURNING

Sec. 11.117. (a) The following kinds of open fires are not subject to state air pollution laws. Control of these fires shall be by permit, and in accordance with fees as set forth in Section 4.108, unless otherwise stated:

(1) Fires for cooking of food. No permit is required for the cooking of food in an imu, hibachi, barbecue pit, stove, oven, smoker, or other cooking appliance, but all reasonable safety practices shall be observed when maintaining an open fire for the cooking of food. Persons responsible for imu fires shall telephone the nearest fire and police stations on the nonemergency number before lighting the imu fire.

(2) Fires for recreational, decorative, or ceremonial purposes. No permit is required for fires for recreational, decorative, or ceremonial purposes, but all reasonable safety practices shall be observed when maintaining an open fire for these purposes. Persons responsible for these types of fires shall telephone the fire prevention bureau to discuss their plans for these fires. If these fires will be observed by the general public, persons responsible shall also telephone the nearest fire and police stations on the nonemergency number before lighting the fires.

(3) Fires to abate a fire hazard. A permit shall be obtained for a fire to abate a fire hazard. Abatement of a fire hazard shall take place on properties owned by the permittee, or with the permission of the owner, on property two acres or more in size, and shall be subject to the following conditions:

(A) The burn pile shall be no more than eight feet in diameter, and no more than four feet high. Combustibles may be added to a burning pile to maintain the maximum size of the pile allowed; but the burn pile shall be the only pile burning at any time.

(B) All burning shall be done not less than 100 feet from any building, structure, grass, brush, or other combustibles.

(C) The burn pile shall be arranged to prevent soil and combustibles overlapping in a manner that may cause burning underground and flare-up at a later time.

(D) Permittee shall not transport, or cause to be brought upon the burn site, any other materials to be burned.

(E) Permittee shall not use gasoline or any explosive types of flammables to start or continue the burn.

(F) All debris hauled from the burn site shall be completely extinguished before loading for transport.

(G) Permittee shall not burn before sunrise nor after 6:00 PM. by which time the fire shall be completely extinguished.

(H) Permittee shall burn only during "no wind" conditions. If during burning the wind comes up, or smoke or embers become a hazard or a nuisance to neighbors, all fires shall be extinguished.

(I) Permittee shall have a constant water supply and sufficient hose to reach all areas of the fire, and other fire extinguishing equipment specifically approved by the department of fire control.

(J) Permittee shall have at least two capable adults responsible for constantly attending the fire until it is completely extinguished.

(K) Permittee shall have a person available on a 24-hour basis to be summoned should there be a flare-up or rekindling of the fire.

(L) Permittee shall notify the fire prevention bureau 48 hours in advance of the initial burning for an on-site inspection. Permittee shall also notify the fire station in permittee's area before lighting the fire. Permittee shall provide starting and extinguishing times and weather conditions in permittee's area.

(M) Permittee shall notify the police station in permittee's area of the burning and extinguishing times.

(N) The issuance of a permit to abate a fire hazard shall not release permittee from any obligation to obtain a permit from the state division of forestry and wildlife or a fire warden pursuant to Chapter 185, Hawaii Revised Statutes.

(O) During fire danger periods, as established by a fire warden, no fires shall be permitted within 500 feet of forest, pasture, or brush lands unless a permit is first obtained from the state division of forestry and wildlife or a fire warden.

(P) The issuance of a permit by the division of forestry and wildlife or a fire warden shall not release permittee from the requirement to obtain a permit for a fire to abate a fire hazard.

(Q) A hold harmless and indemnification statement, which shall be part of the permit application, shall be signed by the permittee in the presence of a notary public. The hold harmless and indemnification statement shall also be signed and notarized by the owner of the burn site if the permittee is not the owner of the property.

(R) If smoke and odors become a nuisance to neighboring property tenants, the fire shall be immediately extinguished.

(S) The department of fire control, police department or state department of health may cancel any permit for the abatement of a fire hazard if any condition of this subsection is not followed.

(T) The permit to abate a fire hazard shall be in effect for a period not to exceed 30 calendar days.

(4) Fires for prevention or control of disease or pests. A permit shall be obtained for a fire for the prevention or control of disease or pests. Permittee shall follow the requirements of subsection (a)(3).

(5) Fires for training of fire fighting personnel shall follow the guidelines of the National Fire Protection Association Standard 1403, the Department of Fire Control Procedures Manual, and shall be conducted only with the approval of the fire chief.

(6) Fires for disposal of dangerous materials. A permit shall be obtained for a fire for the disposal of dangerous materials. The permittee shall follow requirements of subsection and any national standards pertaining to the disposal of the particular dangerous material.

(7) Fires for residential bathing purposes. A permit shall be obtained for fires for residential bathing purposes. These fires shall follow the guidelines in this code and the Building Code so as not to create a fire hazard.

(8) Agricultural fires permitted by the state department of health. In addition to any permit required by the department of health for agricultural fires, a permit for agricultural fires shall be obtained from the department of fire control. The permittee shall follow the requirements of subsection (a)(3), except that the duration of the permit shall be the duration of the department of health permit. The size of the fire and the manpower and equipment required to control the agricultural fire shall be consistent with the department of health's rules for agricultural fires.

(b) Except for closed incinerators approved by the state department of health, private incineration is prohibited by state health laws and this code. Clearance by the state department of health for and notification of all agricultural fires either by telephone or written notice shall be on file with the department of fire control before these fires are permitted.

(Ord. 2509 § 3 (part), 1996)

16.04A.290 Section 11.208 added.

Section 11.208 of the Uniform Fire Code is incorporated and amended to read as follows:

Parade Floats

Sec. 11.208. (a) All decorative materials shall be fire resistive or flame retardant.

(b) All motorized apparatus shall be provided with an approved portable fire extinguisher of at least 2-A, 10-B:C rating readily accessible to the operator.

(Ord. 2509 § 3 (part), 1996)

16.04A.300 Section 12.108(d) amended.

Section 12.108 of the Uniform Fire Code is amended by amending subsection (d) to read as follows:

(d) **Exit Sign Illumination.** Exit signs shall be illuminated either internally or externally in accordance with the Building Code. Where emergency power supplies are required for exit illumination, exit signs shall be illuminated by emergency power. Self-luminous exit signs shall not be considered as meeting these requirements and shall not be used.

(Ord. 2509 § 3 (part), 1996)

16.04A.310 Section 12.110 added.

Article 12 of the Uniform Fire Code is amended by adding a new section, to be designated and to read as follows:

Maintenance of Stairways, Shafts and Fire Escapes

Sec. 12.110. (a) **General.** All exits shall conform to the Building Code.

(b) **Enclosure of Vertical Shafts.** All vertical shall enclosures shall conform to the Building Code.

(Ord. 2509 § 3 (part), 1996)

16.04A.320 Section 14.104(f) amended.

Section 14.104 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection (f) to read as follows:

(f) Group R Occupancies

(1) Buildings housing Group R-1 occupancies having floors used for human occupancy located more than 45 feet above the highest grade shall conform to the special requirements of section 14.104.1 of this code.

(2) Group R occupancy apartments, dormitories, and rooming houses three stories or more in height or containing more than 15 apartments and every hotel three stories or more in height or containing 20 or more guest rooms shall install an approved automatic alarm system or an approved electrically supervised manual fire alarm system designed to warn the occupants of the buildings in the event of fire. A manual fire alarm pull station shall be located adjacent to required exit door. When required by the fire chief, a manual fire alarm pull station shall be located in every elevator lobby.

EXCEPTION: An alarm system need not be installed in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and from public or common areas by at least one-hour fire-resistive occupancy separations and each individual dwelling unit has an exit direct to a yard or public way.

The alarm system shall include provisions for smoke detection and manual operation in interior corridors and automatic detection in storage rooms, laundry rooms, equipment rooms, and similar common areas in accordance with the Building Code.

(3) Each dormitory or rooming house, non-fire resistive in construction, more than one story in height with interior exit corridors, interior stairways, or rooms with community-type cooking facilities shall be provided with smoke detectors designed to warn occupants of the building in the event of a fire. Required smoke detectors shall receive their primary power from the building wiring when the wiring is serviced from a commercial disconnecting switch other than those required for overcurrent protection.

(4) An annunciator panel shall be provided on the first floor lobby area or other area designated by the authority having jurisdiction, in any new fire alarm installation for buildings four stories or more. A manual fire alarm box shall be located adjacent to required exit doors and in every elevator lobby.

(5) All employees of hotels shall be instructed and drilled in the duties they are to perform in event of fire, panic, or other emergency. Management for every hotel shall conduct fire drills for staff and employees at least once every 180 days covering such points as the operation and maintenance of the available first-aid fire appliances, the testing of guest alerting devices, and a study of instructions for emergency duties. A written record of each drill shall be maintained in the hotel management's office and made available to the fire department for review.

(6) A smoke detector shall be installed in all existing dwelling units in locations and in the manner specified in the Building Code for all R occupancies.
(Ord. 2509 § 3 (part), 1996)

16.04A.330 Section 14.104A.2 added
Article 14 of the Uniform Fire Code is amended by

adding a new section, to be designated and to read as follows:

Sec. 14.104.2 In any residential building having emergency power installed, all smoke detectors shall also be automatically switchable to emergency power in the event of a power failure to the normal power supply. All smoke detectors shall be connected in this manner in existing and new buildings.
(Ord. 2509 § 3 (part), 1996)

16.04A.340 Section 14.105(a) amended.
Section 14.105 of the Uniform Fire Code is amended by amending subsection (a) to read as follows:

Sec. 14.105.(a) Monitoring. When required by the chief, fire alarm systems shall be supervised by an approved central, proprietary or remote station service or a local alarm which will give audible and visual signals at a constantly attended location.

All tamper switches for automatic sprinkler systems shall initiate an alarm signal within 180 seconds after valve has moved 1/5 the required indicated distance on valve cover.

All annunciation panels shall provide a legible readout describing the type of alarm received. All existing panels shall be retrofitted to provide a legible readout ascribing the type of alarm received. This readout shall be reduced to written format for fire department use.
(Ord. 2509 § 3 (part), 1996)

16.04A.350 Section 25.101 amended.
Section 25.101 of the Uniform Fire Code, as amended by the State Fire Code, is amended to read as follows:

Sec. 25.101. No place of assembly, such as, restaurants, nightclubs, dancing and drinking establishments, with load capacities of 50 or more persons shall be maintained, operated, or used as such without a permit. The fire permit shall be posted in a conspicuous place. The permit shall expire unless otherwise revoked or canceled one year after date of issuance and may be renewed on or before its expiration date upon reinspection; provided that the fire chief may, in the fire chief's discretion, waive reinspection upon renewal of such permit.
(Ord. 2509 § 3 (part), 1996)

16.04A.360 Section 25.114(a) amended.

Section 25.114 of the Uniform Fire Code is amended by amending subsection (a) to read as follows:

Sec. 25.114. (a) Posting of Room Capacity. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for classroom, assembly or similar purpose, shall have the capacity of the room posted in a conspicuous place on an approved sign near the main exit from the room. Such sign shall be maintained legible by the owner or the owner's authorized agent and shall indicate the number of occupants permitted for each room use.

Any assembly room or building having an occupant load of 300 or more, such as a gymnasium, ballroom, cafetorium, or other such room or building where a variety of seating and dining configurations may be used, shall have a room capacity sign and diagram posted for each configuration or occupant load use.

(Ord. 2509 § 3 (part), 1996)

16.04A.370 Section 25.115 amended.

Section 25.115 of the Uniform Fire Code, as amended by the State Fire Code, is amended to read as follows:

USE OF CANDLES AND OPEN FLAME DEVICES

Sec. 25.115. (a) Open-flame devices may be used on stages or platforms, provided adequate precautions satisfactory to the fire chief are taken to prevent ignition of combustible materials. So-called "flaming sword" or other like equipment shall not be used except in sprinklered areas. This shall be construed to mean that stages, platforms, dressing, and storage rooms or areas used as places for the performance of "flaming sword" or other dance performances using fire or flame, shall be sprinklered. In addition, a suitable noncombustible net shall be erected to prevent accidental release onto the viewing audience.

(b) Portable cooking equipment, not flue-connected, shall be permitted only as follows: Equipment fueled by small heat sources which can be readily extinguished by water, such as candles or alcohol-burning equipment (including "solid alcohol"), may be used provided adequate precautions satisfactory to the fire chief are taken to prevent ignition of any combustible materials. A certified portable fire extinguisher with a 2-A:10-B:C rating shall be mounted or be readily available either attached to or not to the portable cooking equipment while it is in use.

(c) No person shall use or allow to be used any open flame device or burning candle or candles in any building or place.

(Ord. 2509 § 3 (part), 1996)

16.04A.380 Section 25.117 amended.

Section 25.117 of the Uniform Fire Code is amended to read as follows:

Standby Personnel

Sec. 25.117. Whenever, in the opinion of the chief, it is essential for public safety in any place of public assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more qualified persons, as required and approved by the chief, to be on duty at such place. Such individuals shall be subject to the chief's orders at all times when so employed and shall be in uniform and remain on duty during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, such individuals shall inspect the required fire appliances provided to see that they are in proper place and in good working order, and shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted and take prompt measures for extinguishment of fires that may occur. Such individuals shall not be required or permitted, while on duty, to perform any other duties than those herein specified. A fee shall be assessed for each individual at a rate of \$30 per hour to the person, or organization, requesting a permit to operate one of the above activities.

(Ord. 2509 § 3 (part), 1996)

16.04A.390 Article 31 amended.

Article 31 of the Uniform Fire Code is amended by amending the title to read as follows:

**ARTICLE 31
TIRE-BUILDING PLANTS
AND TIRE STORAGE AREAS**

(Ord. 2509 § 3 (part), 1996)

16.04A.400 Section 31.101 amended.

Section 31.101 of the Uniform Fire Code is amended to read as follows:

General

Sec. 31.101. Tire-rebuilding plants and tire storage areas shall conform to all other applicable requirements of this code as well as to the following provisions.
(Ord. 2509 § 3 (part), 1996)

16.04A.410 Section 31.201 added.

Article 31 of the Uniform Fire Code is amended by adding a new section, to be designated and to read as follows:

Tire Storage Areas - 1500 Square Feet or More

Sec. 31.201. (a) **Main Aisle.** The main aisle shall not be less than 6 feet in clear width.

(b) **Window Clearance.** Tires shall not be stored within 3 feet of any window opening in an exterior wall.

(c) **Clearance.** The clearance from the top of tire storage to sprinkler deflectors, ceiling or roofs shall be not less than 3 feet, and adequate clearance shall be maintained to light fixtures to prevent possible ignition.

(d) **Smoking.** Smoking shall be prohibited in tire storage areas, except in protected or isolated locations designated as smoking areas. "NO SMOKING" signs with at least 3 inch lettering shall be conspicuously posted in prohibited areas.

(Ord. 2509 § 3 (part), 1996)

16.04A.420 Section 45.102 amended.

Sec. 45.102 of the Uniform Fire Code is amended to read as follows:

Permits

Sec. 45.102. A permit is required for spraying or dipping operations utilizing flammable liquids, see Section 4.108. This permit shall expire unless otherwise revoked or canceled one year after date of issuance and may be renewed on or before its expiration date upon reinspection; provided that the fire chief may, in the fire chief's discretion, waive reinspection upon renewal of such permit.

(Ord. 2509 § 3 (part), 1996)

16.04A.430 Section 74.103 added.

Section 74.103 of the Uniform Fire Code is incorporated and amended to read as follows:

Permits

Sec. 74.103(a) A permit is required to store, handle or use at normal temperatures and pressures more than

2000 cubic feet of flammable compressed gas or 6000 cubic feet of nonflammable compressed gas, see Section 4.108. This permit shall expire unless otherwise revoked or canceled one year after date of issuance and may be renewed on or before its expiration date upon reinspection; provided that the fire chief may, in the fire chief's discretion, waive reinspection upon renewal of such permit.

(b) When required by the fire chief, any person, firm or corporation storing, handling or using any flammable or nonflammable compressed gas that is corrosive, toxic or oxidizing in nature shall file a hazardous materials disclosure form with the department of fire control.

(c) A material safety data sheet or equivalent information provided by the manufacturer shall be submitted with the hazardous materials disclosure form when requested by the fire chief for a specific product.

(d) Any change in, or addition to, the compressed gases stored, handled or used by any person, firm or corporation, including the receipt of a new or different compressed gas, shall be reported to the department of fire control by submission of an amendment to the hazardous materials disclosure form.

(Ord. 2509 § 3 (part), 1996)

16.04A.440 Article 77, incorporated.

Article 77 of the Uniform Fire Code, pertaining to explosive materials, is adopted. (Ord. 2509 § 3 (part), 1996)

16.04A.450 Section 77.104 amended.

Section 77.104 of the Uniform Fire Code, is amended to read as follows:

Permits

Sec. 77.104. (a) **Required.** Where permits are required to be issued by the chief, the intent is to grant that authority to the agency having enforcement jurisdiction. Permits shall be obtained:

1. To manufacture, possess, store, sell or otherwise dispose of explosive materials.

2. To transport explosive materials.

3. To use explosive materials.

4. To operate a terminal for handling explosive materials.

Permits shall expire unless otherwise revoked or canceled one year after date of issuance and may be renewed on or before expiration date upon reinspection; provided that the fire chief may, in the fire chief's discretion, waive reinspection upon renewal of such permits.

(b) **Permit fees.** Permit fees shall be \$100 annually for each site, and each separate type of explosive or blasting agent.

(c) **Unsafe Material or Practice.** Permits for the following materials shall be invalidated and the materials disposed of in an approved, safe manner.

1. Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.

2. Nitrocellulose in a dry and uncompressed condition in quantity greater than 10 pounds net weight in one package.

3. Fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.

4. Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products or their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167°F.

5. New explosive materials until approved by the United States Department of Transportation, except that permits may be issued to educational, governmental or industrial laboratories for instruction or research purposes.

6. Explosive materials condemned by the United States Department of Transportation.

7. Explosives containing an ammonium salt and a chlorate.
(Ord. 2509 § 3 (part), 1996)

16.04A.460 Section 78.103(a) amended.

Section 78.103 of the Uniform Fire Code is amended by amending subsection (a) to read as follows:

(a) 1. The manufacture of fireworks within the jurisdictional area is prohibited except under special

permits as are required by local and state regulations. See Section 4.108.

2. Except as hereinafter provided, it shall be unlawful for any person to possess, store, to offer for sale, expose for sale, sell at retail or use or explode any fireworks, provided that the chief shall have power to adopt reasonable rules for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the chief and shall be of such character and so located, discharged or fired so as, in the opinion of the chief after proper investigation, not to be hazardous to property or endanger any person.

3. Applications for permits shall be made in writing at least 30 days in advance of the date of the display, sale, possession, storage or transportation of fireworks. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
(Ord. 2509 § 3 (part), 1996)

16.04A.470 Section 78.107(b) amended.

Section 78.107 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection (b) to read as follows:

(b) Wholesalers and retailers of fireworks shall comply with the licensing provisions required by county and state rules. Wholesalers and retailers, including fund raising organizations, shall obtain a permit to store, possess, transport, or sell fireworks.
(Ord. 2509 § 3 (part), 1996)

16.04A.480 Section 79.115(f) amended.

Section 79.115 of the Uniform Fire Code is amended by amending subsection (f) to read as follows:

(f) Underground Tanks Out of Service One Year.

Any underground tank which has been out of service for a period of one year shall be removed from the ground in a manner approved by the chief and the site restored in an acceptable manner. When the chief determines that the removal of the tank is not necessary, he may permit the tank to be abandoned in place.

Tanks shall be removed from the ground in accordance with Subsection (d)1 B.

Tanks shall be abandoned in place as follows:

1. Remove all flammable or combustible liquids from the tank and from all connected piping, and

2. Disconnect the suction, inlet, gage, vapor return, and vapor lines, and

3. Fill the tank to within 2 feet of the top with an inert solid material such as crushed rock, sand, or compacted inorganic dirt. The last 2 feet to the top of the tank shall then be capped with concrete, and

4. Cap or plug remaining underground piping, and

5. Retain a record of tank size, location and date of abandonment.

(Ord. 2509 § 3 (part), 1996)

16.04A.490 Section 79.411 added.

Article 79 of the Uniform Fire Code is amended by adding a new section, to be designated and to read as follows:

Caps

Sec. 79.411. All containers, portable tanks, and vehicles shall have proper caps for gasoline and diesel fuel secured over proper openings.

(Ord. 2509 § 3 (part), 1996)

16.04A.500 Section 79.903(g) amended.

Section 79.903 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection (g) to read as follows:

(g) **Location of Dispensing Devices.** Dispensing devices at automotive service stations shall be located a minimum distance of 10 feet from property lines and located such that all parts of a vehicle being serviced will be on the premises of the service station. In addition, the location of dispensing devices shall be in accordance with the following:

(1) Dispensing devices at automotive service stations shall be located not less than 10 feet from buildings which are of less than one-hour fire-resistive construction. Such dispensing devices shall also be located such that the nozzle, when the hose is fully extended, will not reach within 5 feet of building openings.

(2) Dispensing devices shall be at least 20 feet from fixed sources of ignition.

(3) Dispensing devices shall be protected against physical damage from vehicles by mounting on a concrete island a minimum of 6 inches in height,

EXCEPTION: Alternate methods of providing equivalent protection may be used when approved by the chief.

(4) Apparatus dispensing Class I and Class II liquids into the fuel tanks of motor vehicles of the public shall not be located at a bulk plant unless separated by a fence or similar barrier from the area in which bulk operations are conducted, and

(5) Dispensing devices shall be secured to the island in an approved manner not to include securing with piping and conduit, and

(6) Under dispenser secondary containment pans shall be listed by an approved, nationally recognized organization, as shallow as possible, constructed of heavy gauge steel, either cathodically protected or coated with fiberglass reinforced plastic (FRP) on the exterior for corrosion protection, provided with leak detection and emergency impact valves. Other types of secondary containment may be acceptable if they are listed by an approved, nationally recognized organization and approved by the fire chief.

(Ord. 2509 § 3 (part), 1996)

16.04A.510 Section 79.903(j) amended.

Section 79.903 of the Uniform Fire Code, as amended by the State Fire Code, is amended by amending subsection (j) to read as follows:

(j) **Special-type Dispensers.** Approved special dispensing systems, such as, but not limited to coin-operated and remote preset types, are allowed at service stations, provided there is at least one qualified attendant on duty while the station is open to the public, and:

(1) The attendant or supervisor on duty shall be capable of performing the functions and assuming the responsibilities set forth in Section 79.903(f),

(2) Emergency controls shall be installed at location acceptable to the chief. Controls shall not be more than 100 feet from dispensers,

(3) Instructions for the operation of dispensers shall be conspicuously posted,

(4) Remote preset-type devices shall be set in the "off" position while not in use so that the dispenser cannot be activated without the knowledge of the attendant,

(5) The dispensing device shall be in clear view of the attendant at all times and obstacles shall not be placed between the dispensing devices and the attendant, and television cameras shall be installed in all locations where attendant's clear view is impaired. Television monitors shall be installed at the attendant's location for clear viewing of all fuel dispensing activities.

(6) A public address system shall be provided and approved by the fire chief to permit the attendant to communicate with persons in the dispensing areas at all times, and

(7) No person under the age of 15 shall be permitted to operate a special dispensing system and this prohibition shall be prominently posted either in conjunction with the instructions required by paragraph (3) or otherwise prominently posted on the station premises.
(Ord. 2509 § 3 (part), 1996)

16.04A.520 Section 79.908 amended.

Section 79.908 of the Uniform Fire Code, as amended by the State Fire Code, is amended to read as follows:

Fire Protection

Sec. 79.908. A fire extinguisher with a minimum classification of 4-A:60-B:C shall be provided and so located that it will be not more than 50 feet from any pump, dispenser, or fill-pipe opening.
(Ord. 2509 § 3 (part), 1996)

16.04A.530 Section 79.1202 adopted.

Section 79.1202 of the Uniform Fire Code is adopted to read as follows:

Tank Vehicle Construction

Sec. 79.1202. Tank vehicles shall be designed, constructed, equipped and maintained in accordance with U.F.C. Standard No. 79-4.
(Ord. 2509 § 3 (part), 1996)

16.04A.540 Section 79.1410 amended.

Section 79.1410 of the Uniform Fire Code, as amended by the State Fire Code, is amended to read as follows:

Fire Protection

Sec. 79.1410. Fire protection shall be in accordance with Article 10 and the following:

1. Suitable portable fire extinguishers with a rating of not less than 4-A:60-B:C shall be located within 50 feet of those portions of the facility where fires are likely to occur, such as hose connections, pumps, and separator tanks.

2. Where piped water is available, ready-connected fire hose in size appropriate for the water supply shall be provided so that manifolds where connections are made and broken can be reached by at least one hose stream.

3. Material shall not be placed on wharves in such a manner as to obstruct access to fire-fighting equipment or important pipeline control valves.

4. Where the wharf is accessible to vehicle traffic, an unobstructed roadway to the shore end of the wharf shall be maintained for access of fire-fighting apparatus.
(Ord. 2509 § 3 (part), 1996)

16.04A.550 Section 80.103 added.

Section 80.103 of the Uniform Fire Code is incorporated and amended by amending subsection (a) to read as follows:

(a) **General.** No person, firm or corporation shall store, dispense, use or handle hazardous material in excess of quantities specified in Section 4.108 unless and until a valid permit has been issued pursuant to this article. This permit shall expire unless otherwise revoked or canceled one year after date of issuance and may be renewed on or before its expiration date upon reinspection; provided that the fire chief may, in the fire chief's discretion, waive reinspection upon renewal of such permit.

A permit shall be obtained when a material is classified as having more than one hazard category if the quantity limits are exceeded in any category.

No person, firm or corporation shall install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by this article until a permit has been issued. (See also Sections 80.107 and 80.108.)

EXCEPTIONS:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

Permittee shall apply for approval to close any storage, use or handling facility at least 30 days prior to the termination of the storage, use or handling of hazardous materials. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 80.107 of this article. This 30-day period may be waived by the chief if there are special circumstances requiring such waiver.

When required by the fire chief, any person, firm or corporation storing, handling or using any hazardous materials governed by this article shall file a hazardous materials disclosure form with the department of fire control, hazardous materials officer.

A material safety data sheet or equivalent information provided by the manufacturer shall be submitted with the hazardous materials disclosure form when requested by the fire chief or hazardous materials officer.

Any change in, or addition to, the hazardous materials stored, handled or used by any person, firm or corporation, including the receipt of a new or different hazardous material, shall be reported to the department of fire control by submission of an amendment to the hazardous materials disclosure form.

In the event that some or all of the information required on the hazardous materials disclosure form is determined to constitute a trade secret, the fire chief may waive or modify the requirement for that information to be submitted on such form.

This section does not apply to hazardous materials contained solely in consumer products packaged for distribution to, and use by, the general public, or to commercial products used at an establishment solely for janitorial or minor maintenance purposes; provided, that such products shall be stored in such a manner and in such quantity as permitted by the fire code.
(Ord. 2509 § 3 (part), 1996)

16.04A.560 Appendix I-A, incorporated.

Appendix I-A of the Uniform Fire Code, pertaining to life safety requirements for existing buildings other than high rise, is adopted. (Ord. 2509 § 3 (part), 1996)

16.04A.570 Appendix I-B, incorporated.

Appendix I-B of the Uniform Fire Code, pertaining to life safety requirements for existing high-rise buildings, is adopted. (Ord. 2509 § 3 (part), 1996)

16.04A.580 Appendix II-A, incorporated.

Appendix II-A of the Uniform Fire Code, pertaining to suppression and control of hazardous fire areas, is adopted. (Ord. 2509 § 3 (part), 1996)

16.04A.590 Appendix II-E, incorporated.

Appendix II-E of the Uniform Fire Code, pertaining to hazardous materials management plan and hazardous materials inventory statement, is adopted. (Ord. 2509 § 3 (part), 1996)

16.04A.600 Appendix IV-A, incorporated.

Appendix IV-A of the Uniform Fire Code, pertaining to interior floor finish, is adopted. (Ord. 2509 § 3 (part), 1996)

16.04A.610 Appendix VI-A, incorporated.

Appendix VI-A of the Uniform Fire Code, pertaining to hazardous materials classifications, is adopted. (Ord. 2509 § 3 (part), 1996)

16.04A.611 NFPA 1141, Standard for fire protection in planned groups, incorporated.

National Fire Protection Association 1998 Edition of NFPA 1141, Standard for Fire Protection in Planned Building Groups, is adopted. (Ord. 2995 § 1 (part), 2001)

16.04A.612 NFPA 1142, Standard on water supplies for suburban and rural fire fighting, incorporated.

National Fire Protection Association 1999 Edition of NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, is adopted. (Ord. 2995 § 2 (part), 2001)

16.04A.620 Criminal prosecution.

A. Any violation under this chapter shall be punishable by a fine of not more than \$1,000 or six months in jail, or both, no part of which may be suspended. The continuation of any violation shall be deemed a new violation for each day of such continuance.

B. The county may maintain an action for an injunction to restrain any violation of this chapter and may take any other lawful action to prevent or remedy any violation.

C. The fire chief and members of the fire prevention bureau may arrest, without warrant, alleged violators by issuing a summons or citation in accordance with the

procedure specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by penal summons, by complaint, by warrant or such other judicial process as is permitted by statute or rule of court.

D. Personnel making an arrest for a violation of this chapter may take the name and address of the alleged violator and shall issue to the alleged violator a written summons or citation, notifying the alleged violator to answer at a place and at a time provided in the summons or citation.

E. There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of this chapter which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summons or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid under the laws and rules of the State and the county.

F. In every case where a citation is issued, the original of the same shall be given to the violator, provided that the administrative judge of the district court may prescribe the giving to the violator of a carbon copy of the citation and provide for the disposition of the original and any other copies.

G. Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original. (Ord. 2509 § 3 (part), 1996)

16.04A.630 Administrative enforcement.

A. In lieu of, or in addition to, enforcement by criminal prosecution, if the fire chief determines that any person is violating this chapter, any rule adopted thereunder, or any permit issued pursuant thereto, the fire chief may have the person served, by mail or personal delivery, with a notice of violation and order.

B. The notice of violation and order shall include the following information:

1. Date of the notice;
2. The name and address of the person noticed;
3. The section number of the provision or rule, or the number of the permit which has been violated;
4. The nature of the violation; and
5. The location and time of the violation.

C. The notice of violation and order may require the person to do any or all of the following:

1. Cease and desist from the violation;
2. Correct the violation at the person's own expense before a date specified in the order;

3. Pay a civil fine not to exceed \$1,000 in the manner, at the place, and before the date specified in the order;

4. Pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

D. The notice of violation and order shall advise the person that the order shall become final thirty days after the date of its mailing or delivery. The order shall also advise that the fire chief's action may be appealed to the board of variances and appeals.

E. The order issued by the fire chief under this section shall become final thirty days after the date of the mailing or delivery of the order. The person may appeal the order to the board of variances and appeals. However, an appeal to the board of variances and appeals shall not stay any provision of the order.

F. The fire chief may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by the order, the fire chief need only show that the notice of violation and order was served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been appealed in a timely manner nor paid.

G. The fire chief may adopt rules to implement this chapter. (Ord. 2509 § 3 (part), 1996)